

REMARKS

A petition to extend the time for response by two (2) months is enclosed herewith.

Claims 8 - 19 are pending in the application.

In the Office Action, claims 8 - 19 are provisionally rejected on the grounds of obviousness-type double patenting as being unpatentable over claims 10 - 25 of copending Application No. 10/603,758. Also, in the Office Action, claims 8 and 13 are rejected under 35 U.S.C 102(b) as being anticipated by US Patent No. 5,554,284 to Bartelt et al. Additionally, in the Office Action, claims 9 – 12 are rejected under 35 U.S.C 103(a) as being unpatentable over US Patent No. 5,554,284 to Bartelt et al in view of US Patent No. 4,783,271 to Silverwater. Furthermore, in the Office Action, claims 14 and 19 are rejected under 35 U.S.C 103(a) as being unpatentable over US Patent No. 5,904,163 to Inoue et al in view of US Patent No. 5,554,284 to Bartelt et al. Moreover, in the Office Action, claims 15 – 18 are rejected under 35 U.S.C 103(a) as being unpatentable over US Patent No. 5,904,163 to Inoue et al in view of US Patent No. 5,554,284 to Bartelt et al as applied to claim 14, and further in view of US Patent No. 4,783,271 to Silverwater.

With respect to the provisional rejection of claims 8 - 19 on the grounds of obviousness-type double patenting as being unpatentable over claims 10 - 25 of copending Application No. 10/603,758, Applicant is willing to submit a terminal disclaimer as appropriate to limit any patent issuing on the present application to be co-terminous with any patent that may issue embodying claims 10 - 25 of copending Application No. 10/603,758.

With respect to the rejection of claims 8 - 19 under 35 U.S.C 102(b) and 35 U.S.C 103(a), Applicant respectfully traverses these rejections of the claims in view of the following comments.

Bartelt et al '284 shows, in FIG. 5b, the position during the operation; that is, during the filtering operation, in which case the unfiltered liquid flows downward. As a result of the pressure of the approaching unfiltered liquid, the

resilient tongues move downward and their free tip ends come to rest against the slanted edges of the filter plate 11. During backwashing, the tongues 110 move in accordance with FIG. 5c in the opposite direction, so that the slit-like openings are enlarged and particles that are caught in the filter gap can be removed without any difficulty.

US Patent No. 4,783,271 to Silverwater discloses a filter assembly 5 having a housing 10 defining a fluid flow path between inlet ports 11 and an exhaust port 12, a filter element 13 having a primary filter 14 and a coarser secondary filter 15, and a temperature-responsive valve 16 arranged in parallel with the primary filter 14. During normal operating temperatures, the temperature-responsive valve 16 is closed and the fluid flows through the inlet ports 11, serially through the primary and then the secondary filters 14, 15, and through the exhaust port 12. However, at temperatures below a predetermined temperature, e.g., a predetermined upper limit, the temperature-responsive valve 16 remains open and at least a portion of the fluid bypasses the finer primary filter 14, decreasing the differential pressure across the filter element 13. The temperature-responsive valve 16 generally comprises a valve gate 52 mechanically coupled to a Belleville spring washer 53 formed from a bimetal or shape memory metal or any other device which moves between a first shape at one temperature and a second shape at another temperature.

Inoue et al '163 discloses a dishwasher 1 having a washing chamber member 40, a water tank 12, and a washing filter 19 formed of metal and having a plurality of punching holes allowing passage of water but not garbage disposed on the water tank 12. On a front wide corner of washing filter 19, a garbage receiving portion 19a is provided, which has its bottom surface made lower than the top surface of washing filter 19. A basket for receiving garbage is attached to garbage receiving portion 19a. The user can take out the basket and dispose the garbage received by the basket. On the upper surface at the deep central portion of washing filter 19, a turntable support portion 19b for supporting rotary axis 20 of dish washing basket 8 is provided.

Claim 8 of the present application recites a filter comprising a filter body having a plurality of filter openings for filtering a medium flowing through the openings. Each of the openings has a passage cross-section which varies automatically in response to a characteristic inherent to the medium flowing through the openings.

It is submitted that none of the cited references, either alone or in combination with one another, teach or disclose the filter recited in claims 8 – 19. For example, with respect to the rejection of claims 14 and 19 under 35 U.S.C 103(a) as unpatentable over US Patent No. 5,904,163 to Inoue et al in view of US Patent No. 5,554,284 to Bartelt et al, Applicant submits neither Bartelt et al '284 nor Inoue et al '163 provide any motivation to one of skill in the art to combine the respective arrangements of these two references, let alone to selectively combine the respective arrangements of these two references in the manner set forth in the Office Action. For example, Bartelt et al '284 discloses a gas-type filter having a hollow-cylindrical filter element rotatable about its axis and the filter is cleared of dirt particles by a backwash flow. In contrast, Inoue et al '163 discloses a non-rotatable washing filter 19 whose garbage receiving portion 19a has a basket for receiving garbage attached thereto that the user can take out in order to dispose the garbage received by the basket; it can clearly be seen that the Inoue et al '163 arrangement does not contemplate a backwash cleaning of its washing filter 19. In view of the different filter structures of the Bartelt et al '284 and the Inoue et al '163 arrangements, and particularly in view of their contrasting filter cleaning approaches (e.g., the backwash approach of Bartelt et al '284 and the basket removal approach of Inoue et al '163), it can clearly be appreciated that neither one of these cited references provides any motivation to one of ordinary skill in the art to modify the filter arrangements of either of these references. Moreover, even if these cited references provided some motivation to one of ordinary skill in the art to modify the filter arrangements of one of these references, which Applicant submits there is not, it is clear that neither reference provides any guidance as to how such a modification could be effected. Moreover, it is even clearer that neither reference

provides any guidance as to how one of ordinary skill in the art should modify the respective arrangements of these two references so as to produce the modified filter arrangement set forth in the Office Action.

With respect to the rejection of claims 9 - 12 under 35 U.S.C 103(a) as unpatentable over US Patent No. 5,554,284 to Bartelt et al in view of US Patent No. 4,783,271 to Silverwater, Applicant submits neither Bartelt et al '284 nor Silverwater '271 provide any motivation to one of skill in the art to combine the respective arrangements of these two references, let alone to selectively combine the respective arrangements of these two references in the manner set forth in the Office Action. Claim 9 of the present application adds the feature that the filter openings of the filter body are screened or covered by elements whose state relative to the filter openings vary under the influence of the heat of the medium flowing through the openings.

As noted, Bartelt et al '284 discloses a gas-type filter having a hollow-cylindrical filter element rotatable about its axis and the filter is cleared of dirt particles by a backwash flow. The filter openings of the Bartelt et al '284 filter are covered by resilient tongues that move downward as a result of the pressure of the approaching unfiltered liquid and thereby increase the cross-section of the filter openings. In contrast, Silverwater '271 discloses a primary filter 14 and a secondary filter 15 wherein the filter openings of the filters 14, 15 are uncovered and thus are not covered by elements, resilient tongues, or the like, let alone being covered by elements whose state relative to the filter openings vary under the influence of the heat of the medium flowing through the openings, such as is recited in claim 9 of the present application.

In fact, Silverwater '271 is not even concerned with an approach to clearing the openings of a filter. Instead, Silverwater '271 discloses a filter wherein the temperature-responsive valve 16 is configured to permit at least a portion of the fluid to bypass the primary filter 14 (having relatively finer openings) to instead flow only through the relatively coarser openings of the secondary filter 15. In view of the different filter structures of the Bartelt et al '284 and the Silverwater '271 arrangements, and particularly in view of the fact that

Silverwater '271 is not even concerned with the clearing of its filter openings, it can clearly be appreciated that neither one of these cited references provides any motivation to one of ordinary skill in the art to modify the filter arrangements of either of these references. Moreover, even if these cited references provided some motivation to one of ordinary skill in the art to modify the filter arrangements of one of these references, which Applicant submits there is not, it is clear that neither reference provides any guidance as to how such a modification could be effected. Furthermore, it is clear that neither reference provides any guidance as to how one of ordinary skill in the art should modify the respective arrangements of these two references so as to produce the modified filter arrangement set forth in the Office Action.

Thus, Applicant submits that claims 8 - 19 are now in condition for allowance and early action toward that end is respectfully requested.

Respectfully submitted



Russell W. Warnock

Registration No. 32,860

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BSH Home Appliances Corp.  
100 Bosch Blvd  
New Bern, NC 28562  
Phone: 252-672-7927  
Fax: 714-845-2807  
Email: russ.warnock@bshg.com